

REBUILDING NOT VERY PROBABLE

Problem for Messina and Reggio Is Not Regarded as Being Feasible.

NATURE MARKED SPOT FOR HER POSSESSION

She Resents the Intrusion of Man, and if He Dares Face Her Wrath He Must Suffer—Interesting Budget of Foreign News.

LONDON, January 9.—(Special Cable to The Times-Dispatch.)—A little circular recently issued by a sporting goods firm, which prided itself upon having supplied the President with certain long-barreled rifles, has been put in the Richmondian index expurgator. The tale is that the President wrote to Abercrombie & Fitch, No. 57 Rensselaer Street, for a catalogue. "The correspondence," said Ezra H. Fitch, a specialist in remedies for snake and insect bites, "resulted in our furnishing the President with some hypodermic remedies, as well as a number of other things. We afterwards sent out a circular to a few of our customers referring to the fact that we had been able to supply certain articles to the President. The President was offended when this came to his attention, and we recalled the circular."

The contents of this circular, which was killed with such celerity that it is unobtainable, are a matter of some speculation. One item is restored by some remarks Mr. Fitch made to us in the man-eating jigger. This insect, which Stanley, in his "In Darkest Africa," says "deposits its eggs under the toe nails of the most active of men," is still working regularly. Its scientific name is Sarcoptes scabiei, but Mr. Fitch called it "jigger." So he knows that how nimble soever the jigger, a good and sufficient pedicure has been provided for the African ananasis.

PROSECUTION SCORES

Strong Rebuttal Testimony Is Introduced in the Hains Trial.

NEW YORK, January 9.—(Special Cable to The Times-Dispatch.)—Witnesses for the prosecution, many of them members of the Bayshore Yacht Club, gave damaging testimony against Captain Hains in the trial of the jigger, a good and sufficient pedicure has been provided for the African ananasis.

MAN-EATING JIGGER

President Has the Antidote to Use on His African Trip.

NEW YORK, January 9.—(Special Cable to The Times-Dispatch.)—A little circular recently issued by a sporting goods firm, which prided itself upon having supplied the President with certain long-barreled rifles, has been put in the Richmondian index expurgator.

WHOLE BLAME ON CITY GOVERNMENT

Money Lost on Flume May Be Blessing if It Shows Fault, Says Waller Morton.

MEMBERS NEVER INSPECTED WORK

Investigation Shows That They Accepted All Statements Blindly, Being Ignorant of Plans, Mills and Beck

Yet to Be Heard.

EXAMINATION of a number of members of the former Committee on Water in the investigation of the failure of the settling basin flume yesterday afternoon brought forth from former Councilman W. Waller Morton, one time a member of the Water Committee, a sharp attack on the present system of city government, which he charged with responsibility for the present failure, expense and delay.

The testimony of committee members showed that in the past more than the most general knowledge of the plan for erecting a flume; that the committee had relied entirely on the Superintendent, and had, in fact, left the whole matter in his hands after the award of the contract. Questioned as to whether he was aware of or had been informed of the change from month to month to base and crown construction, member after member said he had not known of either plan or of the differences between them until the investigation began. When the flume was made to junketing trips or to the "jig" kept at the Pump-House.

The contract was for a concrete flume, and the reports from time to time merely showed the progress or lack of progress, and on this information alone the money was paid out. Some of the committee members had never visited the work or seen the flume or settling basin except from passing trains.

Straight Talk by Mr. Morton.

Former Councilman Morton, after telling of various delays in awarding the contract, in which the Common Council had rejected the recommendations both of the Water Committee and the Superintendent for having the settling basin contractor erect a flume on a percentage basis, stated that it was his belief that had this recommendation been accepted by City Engineer Bolling, would have been finished and in satisfactory use for more than a year past.

"I want to add most emphatically," continued Mr. Morton, "that the amount of money lost on this flume may prove to have been well spent if this investigation serves to let the citizens of Richmond know that the present system of city government is responsible for this flume."

After taking the testimony of a large number of witnesses, the committee adjourned to meet Monday night at 8 o'clock, when it is expected that the evidence of local witnesses will be concluded. Several members of the committee, including Chairman Morton and R. Mills, of the present committee, and Building Inspector H. P. Beck, both members of the Water Committee when the flume contract was awarded. Mr. Charles H. Hays, who has also been placed on the committee, has been brought out in the evidence.

Never Visited the Work.

Alderman P. H. Donahoe was the first witness yesterday. He had served ten years in the Board of Aldermen, and went on the Water Committee September 1, 1908, when the contract had been let. He was never informed that there were any changes in the plans and specifications during construction, but went out once with the committee on its completion. He voted in the committee for extensions of the time on the superintendent's recommendations, the reasons being given as high water, weather conditions and labor troubles. He had never heard any complaints that the work was not being properly conducted.

"Was your attention ever called to the fact that tests were not being made?"

"I don't remember anything being said in the committee as to tests. I am not sure of the plans, except in a general way."

Former Alderman John Mann Jr. was sworn. He had been a member of the Board of Aldermen eight years, and chairman of the Water Committee from September, 1904, to September, 1908, when he retired from the Board.

"Why did the work take so long?"

"It was impracticable to do the work in the time limit. The committee had it up again and again. We knew if we took the work away from the Crouse people we couldn't get it finished within the appropriation. I don't know about any change being made in plans or specifications. Two drawings were made at the start, both circular and oblong. The Crouse people selected the oblong shape."

"Knew nothing about the 'monolithic' or 'crown' construction. The committee was never asked to authorize any change to my knowledge. I had no knowledge that the plans were departed from. I never heard of one way or the other until this investigation began. I was out on the work repeatedly, and saw them cut the wire and insert it in the base. I don't know the drawings required a complete circle of wire. I am not an engineer. I looked over the plans with Mr. Bolling before they were adopted, but my attention was never called to the style of reinforcement. I believe, speaking practically, that it would have been impossible to have put in a complete circle of wire. We granted extensions from time to time on account of freshets and other troubles."

Left It All to Engineer.

"The committee recommended the plans to the Council. We had the utmost confidence in Mr. Bolling. I thought him, and still consider him, one of the best water works men in

"NOT THE ONLY ONE"

Belmont Thinks Roosevelt Not Alone in Navy Department, as in Cuba.

LONDON, January 9.—(Special Cable to The Times-Dispatch.)—When shown a copy of the Springfield Republican of a recent date containing the account of Mr. Roosevelt's article in the Navy John D. Long on Henry Reuter's article on the Navy, Reuter said: "I see Mr. Long, who was one of the best of the old-time correspondents, had had, in regard to Mr. Reuter's article: 'There could be no statement more reckless of truth or more calculated to mislead the public mind than the article than the following: In fact, he (Mr. Roosevelt) was the Navy Department.'"

Perhaps the Outlook is preparing us for a naval history of the Spanish War by the veracious and syndicated author of the Naval History of the War of 1812; but Mr. Long should have remembered the remark of Peter Finley Dunne, Mr. Doubleday, a keen observer of contemporary politics, who suggested that the military history of the Spanish war might be condensed into three words: "Alone in Cuba." The fame of the political soldier whose slaughter of the Spanish soldiers was sung in the war columns of the metropolitan press needed no more. Does not Mr. Long in a desire to be fair go a little too far when he says Mr. Roosevelt during his brief tenure as assistant Secretary of the Navy was one of the most active and active officers of the Navy Department, and the only one of them?

TO INVADE HONDURAS

Refugees From Central American Conflicts Confirm Recent Reports.

NEW ORLEANS, La., Jan. 9.—(Special Cable to The Times-Dispatch.)—Among the arrivals from Honduras are several officers of the Honduras army who have left the country to avoid being pressed into the hands of the United States. They confirm the report that the United States is brewing in Nicaragua, Salvador and Honduras. They said that the Davaia government is in a state of terror, owing to the report that the Nicaragua army is about 3,000 strong, under the command of ex-President Bonilla, a partisan of General Diaz, President of Nicaragua, is advancing upon Tegucigalpa with a force exceeding 3,000 men, all well armed and under Swiss officers.

This force carries eighteen or twenty pieces of French and German artillery, and is said to be due in Tegucigalpa in about ten days. The fugitive army officers said that they did not believe in the report that the United States is brewing in Nicaragua, Salvador and Honduras. They said that the Davaia government is in a state of terror, owing to the report that the Nicaragua army is about 3,000 strong, under the command of ex-President Bonilla, a partisan of General Diaz, President of Nicaragua, is advancing upon Tegucigalpa with a force exceeding 3,000 men, all well armed and under Swiss officers.

General Bustillos, a friend of Zelaya, is reported to be in Tegucigalpa. President of Honduras, if the revolutionary government is not stopped within the next two weeks.

PANAMA PROTESTS

Claim Government Is Grossly Abusing Rights and Ruling Merchants.

NEW YORK, January 9.—The Panama steamship advance, from the canal zone, brought in this evening a report that the United States government is grossly abusing its rights and ruling merchants.

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FLUME BUILDERS

ARE SUED BY CITY

Court Asked to Award Damages Against Crouse Company for \$75,000.

WILL MAKE PLEA FOR SPEEDY TRIAL

City Attorney Files Declaration Containing Many Charges After Conference With Mayor—Allegations Cover Wide Range, Dealing With Conduit Work.

AFTER extended conferences with Mayor Richardson, City Attorney Henry R. Pollard filed suit yesterday in the Law and Equity Court against the Crouse Construction Company, for the settling basin flume, for \$75,000 and costs, this amount representing what has been paid the company, the cost to the city for repairs to early breaks, and an item of \$5,880 for inspection during erection. An effort will be made to have the case heard at the next term of the court.

The suit was served yesterday afternoon by Sheriff Epps on Meredith & Cooke, attorneys for the Crouse Company.

Charge Breach of Contract.

The declaration sets forth in detail the history of the contract for the flume, its erection and absolute failure, resulting in embarrassment and loss to the city. Breach of contract is alleged in a number of points, among which are the failure to construct in a single month form, in accordance with the drawings, the failure to mix the concrete properly, so as to insure an equal distribution of the cement through the mortar; failure to lay the wall in four-inch layers, as required; improper placing of the wire reinforcement; use of cement before it had been tested; employment of unskilled workmen; failure to make tests as required; and finally, failure to complete the work without making repairs as required, and failure to keep its agreement with the city to maintain the flume in good order for one year from its completion. In the aggregate the city is alleged to be damaged to the extent of \$75,000, and the suit is filed for that amount.

Bill of Particulars.

The bill of particulars of the claim against the Crouse Company is as follows:

Aggregate amount paid Crouse Construction Company on account of contract as estimated by the Superintendent of the Water Works ..... \$56,939.06

Amount paid Crouse Construction Company for extra work on account of repairs to the flume, made necessary by reason of the first break ..... 110.53

Amount paid for superintendence and inspection of flume during the construction of the same ..... 6,880.00

Repairs to pump-house, rendered necessary by damage to window glass caused by explosion of pipe trench from blasting for pipe trench line ..... 64.47

Grand total ..... \$63,994.06

To this is to be added interest on the above from October 1, 1908, to date the Committee on Water declared the contract void, and the costs of the suit.

An attachment has been issued on the bond of \$10,000 furnished by the Crouse Company on the award of the contract. The city also has a reserve of 10 per cent. of the contract price.

The declaration sets forth in detail that on May 8, 1906, a contract was entered into in writing between the city and the Crouse Company, in which the defendant agreed: "At its own proper cost and expense, to do all the work and furnish all the materials, tools and labor necessary to carry out the contract in the manner and to the full extent, as set forth in the proposal, drawings, plans, specifications and conditions," all of which were a part of the contract, the work to be completed to the satisfaction of the Committee on Water and the Superintendent of the Water Works.

Grounds of Suit.

Grounds on which the contractor failed to comply with his agreement are alleged as follows: Failure to construct in a single or month form, but on the contrary making the invert first, for a distance of sixty feet, more or less, and afterwards constructing the crown or oval part of the conduit; that this made it necessary to form a separate on each side the reinforcement, and did not provide for securing the parts of the reinforcement fixed in the invert with that placed over the arch; that the reinforcement over the arch was not maintained in its proper position, but that in a large part on the inside wall put imbedded in the concrete of the inner surface; that the thickness of the wall was not maintained at five inches, as required; that large quantities of cement were used before it had been tested; that incompetent and unskilled labor was used; that the concrete of which the conduit was built did not have the tensile strength required, but was porous, weak and defective; that tests

(Continued on Third Page.)

EXTREME PENALTY

FOR NIGHT RIDERS

Six Are Sentenced to Death And Other Two Get Life Imprisonment.

ATTORNEYS APPEAR IN ALL THE CASES

Lawyers for the Defense Attack the Competency of Two Jurors, Claiming They Had Expressed Opinions, and That One Is a Resident of Kentucky.

UNION CITY, TENN., January 9.—Judge Jones to-day imposed the death penalty on Garrett Johnson, Ed. Burton, Bob Ransom, Fred Pincon, Arthur Cloar and Sam Applewhite, the night riders, who were found guilty of the murder of Captain Quentin Rankin, and sentenced Bud Morris and Bob Huff, the two other defendants, to life imprisonment.

The attorneys for the defense immediately gave notice of an appeal to the State Supreme Court. If this tribunal does not interfere, the first named six men will be hanged on February 1.

Jurors' Competency Attacked.

In applying to Judge Jones to-day for a new trial the defense attacked the competency of Jurors McKinney and Dahmke. It is claimed that they had expressed opinions as to the guilt of the parties on trial, and that Dahmke was a resident of the State of Kentucky.

It was also claimed that Juror Ransom, who was ill, was thus incompetent to pass on the guilt or innocence of the accused. After having heard the testimony of these witnesses introduced by the defense in an effort to prove that Juror McKinney had expressed an opinion as to the guilt of the convicted men, the State proved by the members of the jury that he had not expressed such an opinion.

Motion Is Overruled.

The contentions in regard to Jurors Ransom and Dahmke were later withdrawn, and the motion for a new trial was quickly overruled.

Perfect silence prevailed in the courtroom during the pronouncing of the sentences. The defendants each in turn arose, pale and worn, and received the words of Judge Jones.

After the sentences were pronounced, the court then directed the sheriff to see that the defendants be carefully looked after and a proper guard supplied. Court then adjourned.

FATAL JOY RIDE

Automobile Smashes, While Party of Young Folks Are Making Merry.

NEW YORK, Jan. 9.—Thrown from an automobile heading against a fence Edward C. Gilman, a well known young real estate broker of Flushing, L. I., was instantly killed in a ride which a party of young men and women of Flushing were taking through the Long Island villages early to-day.

Miss Josephine McKim, of Flushing, was rendered unconscious and the extent of her injuries has not been ascertained. The chauffeur, Frank Brennan, sustained fractures of the skull and left arm and is in a precarious condition. Miss McKim and two other young women, Lucy Bogert and Dorothy Whittle, attended an amateur play given at the Flushing town hall last night in which Miss McKim had a part. After the play they were taken for an automobile ride by Edwin Lee. They had dashed through the village of Bayside and Great Neck, when one of the wheels of the automobile came off. The car was coasting down a steep hill at fast clip. The car dashed into a fence at the roadside and turned over.

Mr. Gilman was a brother of Lawrence Gilman, the well known author, and a relative of the late Edward Gilman, head of the Carnegie foundation.

DUKE BUYS RESIDENCE

Acquires Property of the Late Henry H. Cook for \$250,000.

(Special Cable to The Times-Dispatch.)

NEW YORK, January 9.—It was said today that the Duke of Devonshire had purchased the property of the late Henry H. Cook, at the northwest corner of Fifth Avenue and Seventy-eighth Street, to James B. Duke has practically been effected. It was said that the transaction probably involves \$250,000.

Mr. Duke has been negotiating for the purchase of the property, a four-story and a half residence, belonging to the estate of the late Henry H. Cook, for several months, and it is expected that the contract will be signed within a few days. An architect has already begun plans for the extensive alterations which Mr. Duke proposes to make.

The mansion, which was one of the first to be built in Fifth Avenue north of Seventy-second Street, stands on a plot which has frontages of 102.3 feet on Fifth Avenue and 150 feet on Seventy-eighth Street, and contains six full-size city lots.

THAW GETS HEARING

Court Decides Jury Must Swear He Is Insane.

(Special Cable to The Times-Dispatch.)

NEW YORK, January 9.—The jury in the case of Harry K. Thaw is entitled to a trial on the question of whether he has recovered his sanity, according to Justice Tompkins, who to-day heard argument on a writ of habeas corpus obtained by Mrs. Mary C. Thaw, his mother. In applying for the writ Mrs. Thaw declared that Harry K. Thaw was a criminal, having been acquitted by a jury, and that he is now sane, and should not be kept in prison.

Justice Tompkins said that Thaw was entitled to a trial to determine whether he had recovered his sanity and was safe to be at large.

He remanded Thaw to Matteawan meanwhile.

WAS ONLY MEASLES

Professor So Diagnosed Supposed Case of Foot and Mouth Disease.

ALBANY, N. Y., Jan. 9.—Prof. James Law, of Cornell, diagnosed as measles a recent suspected outbreak of foot and mouth disease among children in Clarkson, Monroe county, the State authorities say it has not absolutely been established that such a disease existed there.

APPEAL OF CHILDREN

Half Million in Texas Ask President Not to Kill Animals.

AUSTIN, TEX., January 9.—Several thousand school children in the State have signed the petitions that are being circulated to be presented to President Roosevelt asking him not to kill any wild animals on his African trip.

Mr. B. Travis, of Waco, Tex., is causing the petition to be circulated. He claims that they will be signed by more than 500,000 school children of Texas.

TRUST IS FINED

International Harvester Co. Taken an Appeal From Kansas Decision.

TOPEKA, KAN., January 9.—The Kansas Supreme Court in a far-reaching decision to-day affirmed the verdict and fine of the District Court for Shawnee county against the International Harvester Company. The company is fined \$12,000 on forty-two counts, each count charging a violation of the Kansas anti-trust laws.

The case will be appealed to the Supreme Court of the United States.

WANT TILLMAN TO PAY THE POSTAGE

Typewriter Franked Through Mails From South Carolina to Washington

ALWAYS BEEN DONE, SAYS THE SENATOR

Property Belongs to the Government, and if There Is Any Change in the Law Postage Must Be Collected from the Owner—Papers Gone.

WASHINGTON, D. C., January 9.—In the preparation of his speech in reply to the President's charges, Senator Tillman has failed to find a number of papers bearing upon the charges, and in connection with which the present controversy arose. These papers, he says, enclosed in a large envelope and left in his private desk in his committee room at the Capitol when he left Washington last March on account of his illness, but they cannot now be found. The senator does not charge that the papers have been abstracted by a government detective who may have been shadowing him, but he thinks that it would have been possible for any such official to gain access to his room and to his desk, both of which were fastened with only ordinary locks. The papers, he says, are very important in the preparation of his case and would go far to substantiate his defense. He says that not only his desk but that every nook and cranny of his office have been searched for the documents, but without avail. Notwithstanding the loss of these data, Mr. Tillman expressed confidence in his ability to make satisfactory reply to the president. "He will be hoisted by his own petard," declared Mr. Tillman sentimentally.

Senator Tillman devoted the entire day to the preparation of his reply, which will be made in a speech in the Senate Monday.

His speech will be about 7,000 words in length and will be delivered from manuscript.

Thanked His Typewriter.

Senator Tillman is availing himself of the old adage "that troubles never come singly," and has drawn, and the motion for a new trial was quickly overruled.

Perfect silence prevailed in the courtroom during the pronouncing of the sentences. The defendants each in turn arose, pale and worn, and received the words of Judge Jones.

After the sentences were pronounced, the court then directed the sheriff to see that the defendants be carefully looked after and a proper guard supplied. Court then adjourned.

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